IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 29TH JUNE 2007 / 8TH ASHADHA 1929

WP(C).No. 4597 of 2005(V)

OS.915/2003 of ADDL.M.C-II,NEYYATTINKARA
.....

PETITIONER:

SUKU, S/O.NARAYANAN,
KUNNUMPURATHU VEEDU, THEKKUMKARA,
NETTAYAM, KURUVARA DESOM,
OTTASSEKHARAMANGALAM P.O., DO. VILLAGE.

BY ADV. SRI.P.KESAVAN NAIR
SRI.K.G.CLEETUS

RESPONDENTS:
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1. DAVID BABU, B.S.BHAVAN,
NETAYAM, KURUVARA DESOM,
OTTASSEKHARAMANGALAM P.O.

2. DAVID BABAS,
THEKKUMKARA VEEDU, DO.DO.P.O

3. JOHNY MATHEW,
CHANALARIKATHU VEEDU, DO. DESOM DO.DO.P.O.

4. JAYAKUMARAN, S/O.DANAM,
THEKKUMKARA VEEDU, NETTAYAM,
KURUVARA DESOM, OTTASSEKHARAMANGALAM P.O.

5. MOHANDAS, S/O.DANAM,
THEKKUMARA VEEDU, NETTAYAM,
KURUVARA DESOM, OTTASSEKHARAMANGALAM P.O.

6. VIJAYADAS, S/O.DANAM,
THEKKUMKARA VEEDU, NETTAYAM,
KURUVARA DESOM, OTTASSEKHARAMANGALAM P.O.

BY ADV. SRI.G.SUDHEER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 29/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS EXHIBITS:

EXT.P1: COPY OF REPORT FILED BY THE COMMISSIONER DATED 3.1.2004 IN O.S.NO.915/2003.

EXT.P2: COPY OF REPORT SUBMITTED BY THE COMMISSIONER DATED 19.12.2004 IN O.S.NO.915/2003.

EXT.P3: COPY OF ORDER IN I.A.NO.1898/04 IN O.S.915/2003 DATED 21.10.2004 OF THE ADD.MUNSIFF COURT NEYYATTINKARA.

EXT.P4: COPY OF ORDER IN I.A.NO.2650/2004 IN O.S.NO.915/2003 DATED 27.10.2004 OF THE ADDL.MUNSIFF-II, NEYYATTINKARA.

EXT.P5: COPY OF ORDER IN I.A.NO.5036/2004 IN O.S.915/2003 DATED 8.12.2004 OF ADDL.MUNSIFF-II, NEYYATTINKARA.

TRUE COPY

P.A.TO JUDGE

PIUS C. KURIAKOSE, J.

W.P.(C) No. 4597 OF 2005

Dated this the 29th day of June, 2007

JUDGMENT

I have gone through Ext.P3 the impugned order in detail. Notwithstanding the persuasive submissions of Mr.P.Kesavan Nair, I do not think that this Court will be justified in invoking the supervisory jurisdiction under Article 227 to set aside Ext.P5 order. Challenge against Ext.P5 will fail. The petitioner will have the permission of taking the services of another private Surveyor also when the commission work is taken up by Advocate Smt.Prajuskumary with the assistance of the Taluk Surveyor as presently allowed under the impugned order.

PIUS C. KURIAKOSE, JUDGE

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